

No. 89

Office - Supreme Court - U. S.
FILED

JUN 25 1952

CHARLES ELMORE CROPLEY
CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1952

AUTOMATIC CANTEEN COMPANY OF AMERICA,
PETITIONER.

v.

FEDERAL TRADE COMMISSION

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SUPREME COURT, U. S.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SEVENTH
CIRCUIT.

MEMORANDUM FOR THE FEDERAL TRADE
COMMISSION

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*ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
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MEMORANDUM FOR THE FEDERAL TRADE COMMISSION

The principal question presented by the petition concerns the proper construction of subsection (f) of Section 2 of the Clayton Act, which makes it unlawful for a buyer knowingly to induce or receive a discrimination in price prohibited by Section 2 of the Act. The question presented is basic to the application of subsection (f), and its determina-

tion is of great potential importance both to the general public and to the Federal Trade Commission in carrying out the duty of enforcing the statute.

The question of statutory interpretation which petitioner raises has not previously been before this Court and, in the opinion of the Government, it should be settled by this Court. The Government therefore does not oppose allowance of the petition for certiorari.

Respectfully submitted,

PHILIP B. PERLMAN,
Solicitor General.

W. T. KELLEY,
General Counsel,
Federal Trade Commission.

JUNE 1952.